GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:6200
ANSWERED ON:06.05.2003
RECRUITMENT NOTICES
SULTAN SALAHUDDIN OWAISI

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether it is a fact that the Employment Exchange Procedure came under the judicial scrutiny of the Supreme Court in the matter of Excise Department of Andhra Pradesh;

(b) if so, whether Hon`ble Supreme Court issued certain instruction to the Central and State Governments in regard to issue of the publishing recruitment notices;

(c) if so, the details thereof;

(d) whether it is a fact that neither the Union Government nor the State Governments is following these instructions to publish recruitment notices;

(e) if so, the reasons therefor; and

(f) the steps taken or being taken by the Government to ensure that the instructions issued by the Union Government to publish recruitment notices in Hindi, English and Urdu are followed meticulously?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERS(PUBLIC GRIEVANCES AND PENSIONS. (SHRI HARIN PATHAK)

(a),(b) & (c): Hon`ble Supreme Court in the matter of Excise Superintendent, Malkapatnam (Krishna District), Andhra Pradesh v K.B.N. Vishweshwara Rao and Ors (1996 (6) SCALE 676), directed as follows:-

`It should be mandatory for the requisitioning authority/establishment to intimate the employment exchange and employment exchange should sponsor the names of the candidates to the requisitioning Departments for selection strictly according to seniority and reservation, as per requisition. In addition, the appropriate Department or undertaking or establishment, should call for the names by publication in the newspapers having wider circulation and also display on their office notice boards or announce on radio, television and employment news bulletines; and then consider the cases of all the candidates who have applied.`

(d) & (e): No Sir. The Union Government has already issued general instructions on May 18, 1998 bringing the above directions of the Hon`ble Supreme Court to the notice of the all Ministries/Departments of Government of India and modifying the existing recruitment procedure in accordance with the directions of the Hon`ble Supreme Court.A copy of O.M. No. 14024/2/96-Estt(D) dated May, 18, 1998 issued on the subject is annexed. This Office Memorandum was also endorsed to all the State Governments.

(f): It is the responsibility of each requisitioning authority/establishment to follow the procedure which is based on the directions of the Hon`ble Supreme Court.

No. 14024/2/96-Estt(D)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

New Delhi-110001.
May 18, 1998

OFFICE MEMORANDUM

Subject:- Recruitment of staff through Employment Exchanges.

The Undersigned is directed to invite a reference to this Department`s Office Memorandum No 14024/2/77-Estt(D) dated 13.4.1977. These instructions, inter-alia, provide that all vacancies arising under Central government offices/establishments (Including quasi-Government institutions and statutory organizations) irrespective of the nature and duration (other than those filled through UPSC), are not only to be notified to, but also to be filled through the Employment Exchanges alone and other permissible sources of recruitment can be tapped only if the Employment Exchange concerned issued a Non-avaibility Certificate. There can be no departure from this recruitment procedure unless a different arrangement in this regard has been previously agreed to in consultation with this Department and the Ministry of Labour (Directorate General, Employment & Training). Similar instructions are also in force requiring vacancies against posts carrying a basic salary of less than Rs. 500/- per month in Central Public Sector Undertakings to be filled only through Employment Exchanges.

2. The Scheme of Employment Exchange Procedure came under the Judicial scrutiny of the Supreme court in the matter of Excise Superintendent, Malkapatnam, Krishan District, Andhra Pradesh v/s. K.B.N. Visweshwara Rao & Ors (1996 (6) SCALE 676). The Supreme Court, inter-alia, directed as follows:-

` It should be mandatory for the requisitioning authority/establishment to intimate the employment exchange and employment exchange should sponsor the names of the candidates to the requisitioning Departments for selection strictly according to seniority and reservation, as per requisition. In addition, the appropriate Department or undertaking or establishment, should call for the names by publication in the newspapers having wider circulation and also display on their office notice boards or announce on radio, television and employment news bulletins and then consider the cases of all the candidates who have applied.`

3. Accordingly, it is clarified that in addition to notifying the vacancies for the relevant categories (excluding those filled through the Union Public Service Commission/ the Staff Selection Commission) to the Employment Exchange, the requisitioning authority/establishment may keeping in view administrative/budgetary convenience, arrange for the publication of the recruitment notice for such categories in the

`Employment News` published by the Publications Division of the Ministry of Information and Broadcasting, Government of India and then consider the cases of all the candidates who have applied. In addition to the above, such recruitment notices should be displayed on the office notice boards also for wider publicity.

4. These orders will take effect from the date of issue and will not apply to such cases where process of recruitment through employment exchanges/ open advertishment has been initiated before the said date.

5. All Ministries/Departments are requested to strictly adhere to the aforesaid instructions and also bring to the notice of their attached and sub-ordinate offices for information and compliance.

Sd/-
(HARINDER SINGH)
JOINT SECRETARY

To:-

All Ministries/Departments of Government of India

Copy to:-

1. The Director General, Employment and Training. Ministry of Labour, Rafi Marg, New Delhi.
2 The Bureau of Public Enterprises, New Delhi

3. Lok Sabha Secretariat.

4. Rajya Sabha Secretariat.

5. Union Public Service Commission.
6. Staff Section Commission.

7 Chief Secretaries, All State Governments

8. All Union Territory Government/ Administrations

9. All attached & Subordinate Offices of the Department of Personnel & Training

10. The Editor, Employment News, East Block-IV, Level 5-7, R.K. Puram, New Delhi 110066.